

BOARD OF PERSONNEL APPEALS
MINUTES – SEPTEMBER 24, 2010 MEETING

PRESENT:

Jack Holstrom, Presiding Officer
Quint Nyman
Pat Dudley - alternate

Mike Thiel - alternate
Steve Johnson

STAFF ATTENDING:

Marieke Beck, Board Attorney
Tonya McCormack
Paul Melvin

Joe Maronick
Vicki Knudsen

BOARD BUSINESS

APPROVAL OF MINUTES:

Minutes for August 19, 2010 meeting were approved. Member Johnson moved to approve, Member Nyman seconded the motion. Motion passed 5-0

NEXT MEETING DATE:

The next meeting is scheduled for November 18, 2010. There will be a Unit Determination coming before the Board but it will not be ready for November. It will most likely be set for December or January unless we need to meet prior for the Rules Project.

PUBLIC COMMENT (HOUSE BILL 94):

No comments were made.

ATTORNEY COMMENTS – BOARD ATTORNEY MARIEKE BECK:

Board Attorney Marieke Beck gave an update on the Rules Project. She received very little comments on the Rules Project. She will be working on the finalization in October. There are still the two portions that will need to be worked on and then passed through the rules process. The portions are the decertification rule and a rule for the Board investigator to stay an investigation into an unfair labor practice charge if the matter was one that would be resolved through arbitration. Presiding Officer Holstrom has been told by several people that they would like to see the proposed changes for these as he believes we will receive quite a few comments on them.

ORAL ARGUMENT – UNFAIR LABOR PRACTICE

Bradford Wilson v. Park County and Teamsters Local #2

Jack Holstrom was the Presiding Officer in this matter. Bradford Wilson appeared pro se before the Board and Sheila Royston spoke on his behalf; Shannon Piccolo appeared before the Board to represent the Park County and Jim Stone appeared before the Board to represent the Teamsters Local #2.

The matter before the Board was to determine if the Board Agent John Andrew erred in his recommended order to dismiss the unfair labor practice (ulp) complaint as being without merit. Argument was heard, questions were asked by Board Members. With Board discussion there was a question brought forth, whether an individual has a right to the bargaining process and could bring forth a ulp charge. After discussion the individual does not have the right to bring forth a ulp charge as it needs to be brought by the entities. Member Dudley moved to affirm the investigators recommendation to dismiss with the case with the inclusion of the language regarding the timeframe and an individual bringing a ulp before the Board. Board Member Johnson seconded the motion. Motion passed 5-0.
